

REMARKS

Claims 5-10, drawn to non-elected invention(s), have been canceled without prejudice to Applicants' right to pursue the claims in a later Continuation or Divisional application. Claims 11-12 have been added. Support for these claims if found throughout the application, particularly, for example, at p. 7, lines 10-17. No new matter has been added.

Rejection of Claims under 35 U.S.C. 112, second paragraph

The Examiner rejected Claims 1 and 2, stating that the metes and bounds of the term "derivative" and "functional" could not be determined. While Applicants do not concur with this assessment, the claims have been amended in order to expedite prosecution. As amended, Claim 1 specifies that the isolated Ma family polypeptide comprises an amino acid sequence selected from the group consisting of: SEQ ID Nos 4, 7, 9, 11 and 13. Claim 2 has been canceled. In view of these considerations, this rejection is obviated.

Rejection of Claims under 35 U.S.C. 112, first paragraph

The Examiner also rejected Claims 1 and 3, stating that the specification did not convey whether the inventors had possession of the claimed "Ma family polypeptides" as defined. The Examiner further rejected Claim 1, stating that the metes and bounds of the terms "functional" and "derivative" could not be defined. While Applicants do not concur with these assessments, the claims have been amended in order to expedite prosecution. As amended, Claims 1 and 3 specify that the Ma family polypeptide comprises an amino acid sequence selected from the group consisting of: : SEQ ID Nos 4, 7, 9, 11 and 13. In view of these considerations, this rejection is obviated.

The Examiner additionally rejected Claims 1 and 3, stating that the specification did not provide enablement for a genus of "Ma family polypeptides" beyond those with particular SEQ ID Nos, or for generic fragments of specific sequences. With regard to the genus of "Ma family polypeptides," Applicants' Attorney notes that the language of the claims, as amended to expedite prosecution, specifies particular sequences, thereby obviating the first portion of the rejection. With regard to the fragments, the language regarding fragments has been deleted from

Claims 1 and 3, and incorporated into new Claims 11 and 12. Claims 11 and 12 specify that the fragment is an antigenic fragment. One of ordinary skill in the art, given the teachings of the specification regarding the sequences of the Ma family polypeptides, would be able to determine what is encompassed by an antigenic fragment of the specific Ma family polypeptides set forth in the claims. Such antigenic fragments of the Ma family peptides can be used, for example, in the methods of diagnosis described in the specification. In view of these considerations, the present rejection is also obviated.

Claim Objected to

The Examiner objected to Claim 4 and stated it would be allowable if rewritten in independent form. Claim 3 has been amended to incorporate the characteristics set forth in canceled Claim 4. Thus, Claim 3 is allowable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call Elizabeth W. Mata at (915) 845-3558 (Mountain time zone). If Elizabeth W. Mata cannot be reached, the Examiner is invited to call David E. Brook at (978) 341-0036.

Respectfully submitted,

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